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8 Attorneys for Plaintiff  
FACEBOOK, INC.  
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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION  
13

14 FACEBOOK, INC.,

15 Plaintiff,

16 v.

17 POWER VENTURES, INC., a Cayman Island  
corporation; STEVE VACHANI, an individual;  
18 DOE 1, d/b/a POWER.COM, DOES 2-25,  
inclusive,

19 Defendants.  
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Case No. 5:08-cv-05780 JW (JCS)

**DECLARATION OF MORVARID  
METANAT IN SUPPORT OF  
FACEBOOK, INC.'S MOTION TO  
ENLARGE TIME PURSUANT TO  
CIVIL LOCAL RULE 6-3**

Judge: Hon. James Ware  
Courtroom: 9, 19th Floor

1 I, Morvarid Metanat, hereby declare and state as follows:

2 1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel  
3 of record to Facebook, Inc. in the above-captioned matter. I make this declaration based on my  
4 personal knowledge, unless otherwise noted. If called, I can and will testify competently to the  
5 matters set forth herein.

6 2. On May 9, 2011, Defendants filed a Motion for Summary Judgment on all three of  
7 Facebook's claims against them. On November 14, 2011 and November 17, 2011, Plaintiff  
8 Facebook filed a Motion for Partial Summary Judgment on its claim under the CAN-SPAM Act,  
9 15 U.S.C. §7704 et seq., and a Motion for Partial Summary Judgment on its claim under  
10 California Penal Code § 502 and the Computer Fraud and Abuse Act, 18 U.S.C. § 1030. All three  
11 motions are currently scheduled to be heard on January 23, 2012.

12 3. The parties will suffer harm and prejudice if the pretrial conference is not  
13 continued to occur on the same date as the hearing on the motions of summary judgment. First,  
14 the hearing on the motions for summary judgment will determine which, if any, claims remain in  
15 this case. Without the continuance, the parties will be unprepared to address what pretrial  
16 considerations remain in this action and the Court and the parties will needlessly expend time and  
17 resources resolving the actual considerations after the fact.

18 4. Defendants do not object to continuing the Pretrial Conference to the same date as  
19 the hearing on the parties' Motions. On November 28, 2011, Facebook requested that Defendants  
20 stipulate to continuing the Pretrial Conference from December 19, 2011 to January 23, 2012.  
21 Attached hereto as **Exhibit A** is a true and correct copy of the November 28, 2011 e-mail  
22 communication between Facebook's counsel and Defendants' counsel. Defendants' counsel  
23 responded that they did not "object to the general idea of moving the preliminary pre-trial  
24 conference to the same date as the hearing on the motions for summary judgment," but that they  
25 may need to request that the Court move the hearing date on the summary judgment motions due  
26 to a trial in another matter that is scheduled to being on that hearing date. Defendants' counsel  
27 stated that they would have a "better idea of whether trial is going to being on January 23 or not"  
28 within a "couple weeks." Attached hereto as **Exhibit B** is a true and correct copy of the

November 29, 2011 email communication between Defendants' counsel and Facebook's counsel.

**A. Previous Time Modifications**

5. This case schedule has been modified twelve times. The original Case Scheduling Order was filed December 30, 2008. The initial Case Management Conference in this case was scheduled for April 15, 2009. Subsequently, the Court rescheduled the Case Management Conference for April 17, 2009. Thereafter, the parties stipulated, and the Court ordered, to extend to the initial Case Management Conference to 45 days after the Court's ruling on the pending motion to dismiss. On December 17, 2009, the parties stipulated, and the Court subsequently ordered, an extension of time for briefing of summary judgment motions and continued the Case Management Conference to February 26, 2009. The Court subsequently rescheduled the Case Management Conference for January 29, 2010. The Court then rescheduled the Case Management Conference for August 20, 2010. The Case Management Conference was again rescheduled for August 23, 2010. Thereafter, the Court reset the Conference to August 24, 2010. On August, 19, 2010, the Court modified the original scheduling order. Subsequently on July 14, 2011, the Court modified the original scheduling. On September 9, 2011 the Court again modified the original scheduling order. On October 20, 2011, the parties stipulated, and the Court subsequently ordered, modifications to the case scheduling order. On November 22, 2011, the parties stipulated to, and the Court subsequently ordered, an extension of time to file their oppositions and reply briefs in support of the pending motions for summary judgment.

**B. Effect Of Requested Modification**

6. The only effect the time modification will have on the Case Management Schedule is with regards to the due date of the Joint Preliminary Pretrial Conference Statement. The requested time modification will have the following effect on the Case Management Schedule:

| Deadline   | Current Schedule | Proposed Schedule |
|--|------------------|-------------------|
| Close of all discovery   | January 20, 2012 | January 20, 2012  |
| Last date for Hearing Dispositive Motions<br>(=60 days after the close of all discovery) | March 19, 2012   | March 19, 2012    |

|    |   |                   |                   |
|----|---|-------------------|-------------------|
| 1  | Preliminary Pretrial Conference (=30 days<br>before the close of all discovery)   | December 19, 2011 | January 23, 2012  |
| 2  |   |                   |                   |
| 3  | Preliminary Pretrial Conference Statements<br>(Due 10 days before conference)   | December 9, 2011  | January 13, 2012  |
| 4  |   |                   |                   |
| 5  | Expert Reports (=63 days before close of<br>discovery)  | December 19, 2011 | December 19, 2011 |
| 6  |   |                   |                   |
| 7  | Rebuttal Expert Reports (=49 days prior to<br>discovery cutoff)   | January 3, 2012   | January 3, 2012   |
| 8  |   |                   |                   |
| 9  | Daubert Motions to be filed (42 days after<br>both expert and rebuttal expert disclosures on<br>a Monday (Law and motion day) at 9:00am | February 13, 2012 | February 13, 2012 |
| 10 |   |                   |                   |

11 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
12 knowledge. Executed this 7th day of December, 2011 at Menlo Park, California.

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14 By: /s/ Morvarid Metanat /s/  
15 MORVARID METANAT  
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